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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 22 September 2005 from the Permanent Representative of Brazil to the United Nations addressed to the Chairman of the Committee

With reference to paragraph 4 of Security Council resolution 1540 (2004) and subsequent communications on the subject, I have the honour to transmit to the Security Council Committee established pursuant to resolution 1540 (2004) the second report of the Government of Brazil (see annex).

(*Signed*) Ronaldo Mota **Sardenberg**
Ambassador
Permanent Representative of Brazil to the United Nations

05-52286 (E) 191005

Annex to the letter dated 22 September 2005 from the Permanent Representative of Brazil to the United Nations addressed to the Chairman of the Committee

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Brazil**

Date of Report: **22 September 2005**

	Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1	General statement on non-possession of WMD	X	Does not possess - and has never developed - nuclear, chemical and biological weapons	page 9 of the report
2	General statement on commitment to disarmament and non-proliferation	X	Brazil is fully committed to the objectives of non-proliferation	page 3 of the report
3	General statement on non-provision of WMD and related materials to non-State actors		*According to the Brazilian legal system, the 1540 UNSC Resolution has the same status as its internal laws.*	*page 3 of the report*
4	Biological Weapons Convention (BWC)	X	Ratified in 1973	pages 18 to 21 of the report
5	Chemical Weapons Convention (CWC)	X	Ratified 01 March 1999	
6	Nuclear Non-Proliferation Treaty (NPT)	X	Adherence since 18 September 1998	
7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified 24 July 1998	
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	Ratified on 16 April 1991	
9	Hague Code of Conduct (HCOC)			
10	Geneva Protocol of 1925	X	*Deposit 28 August 1970. Ratified by Decree 67.200, 15 september 1970.*	*http://disarmament.un.org:8080/TreatyStatus.nsf*
11	International Atomic Energy Agency (IAEA)	X	Since 1957	pages 18 to 21 of the report
12	Nuclear Weapons Free Zone/ Protocol(s)	X	Treaty of Tlatelolco, subscribed 16 September 1994	page 18 of the report

13	Other Conventions/Treaties	X	1. Bilateral Agreement Between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy 2. Brazil-Argentina Agency for Accounting and Controlling Nuclear Materials - ABACC 3. Convention Against Transnational Organized Crime - Palermo Convention *4. Agreement of 13 December 1991 between Argentina, Brazil, ABACC and IAEA for the Application of Safeguards*	pages 18 to 21 of the report
14	Other Arrangements	X	1. Nuclear Suppliers Group (NSG): since 1996 2. Missile Technology Control Regime (MTCR): since 1995	pages 18 to 21 of the report
15	Other			

S/AC.44/2004/(02)/7/Add.1

OP 2 - Biological Weapons (BW)

State: **Brazil**

Date of Report: **22 September 2005**

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	According to the Brazilian legal system international agreements to which Brazil is party have the same status as internal laws			page 18 of the report
2	acquire	X				page 18 of the report
3	possess	X				page 18 of the report
4	stockpile/store	X		X	*National Security Act - Act no. 7.170 of 14 December 1983. Art. 12 defines the criminal sanctions for unauthorized cases.*	pages 4 and 18 of the report
5	develop	X	Provisional Measure no. 2.186-16 of 23 August 2001, Article 5: forbids access to genetical heritage with the aim at developing biological weapons		*Decree nº 5.459, 7 june 2005, chapter II, art. 15, paragraph 2, which disciplines Art. 30 of Provisional Measure 2.186-16; establishes sanctions for the development of biological weapons.*	pages 6 and 7 of the report
6	transport		*Anvisa (National Sanitary Vigilance Agency) Administrative Act nº 1.985, 25 october 2001, which approves the Technical Regulation for Transporting Infeccious Substances and Diagnosis Samples into Mercosur*			
7	transfer	X	According to the Brazilian legal system international agreements have the same status as internal laws	X	*National Security Act - Act no. 7.170 of 14 December 1983. Art. 12 defines the criminal sanctions for unauthorized cases.*	pages 4 and 18 of the report

8	use		*Decree 67.200, 15 september 1970, which ratifies the Geneva Protocol of 1925.*	X	1. Heinous Crimes Act - Act no. 8.072 of 25 July 1990: inducement of epidemics by the release of pathogens 2. Penal Code - Decree no. 2.848 of o7 December 1940: see Articles in the footnote of the report 3. National Security Act - Act no. 7.170 of 14 December 1983, art. XV.	pages 4, 6, 7 and 18 of the report
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities					
11	finance a.m. activities	X	*Decree no. 4.991 of 18 February 2004: applicability to financing. The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and goods, which could contribute for building weapons of mass destruction and its means of delivery.*	X	*Act 9.613 of 3 March 1998: applicability to financing NW. The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and goods, which could contribute for building weapons of mass destruction and its means of delivery.*	page 8 of the report

S/AC.44/2004/(02)/17/Add.1

12	a.m. activities related to means of delivery		*Decree nº 35, of 26 december 1994 (General Directions for Exporting Goods related to Missiles and Services Directly Related, Instructions to Perform Exporting Operations of Goods and Services Directly Related to Missiles and List of Goods Related to Missiles and Services Directly Related (Act 9.112, 10 october 1995). Brazil became a member of MTCR in 27 october 1995. It had however already adopted its guidelines and its control list, which was updated by Resolution n.º 2, of 19 october 2004 (Interministerial Comission of Control and Sensitive Assets Exportation - CIBES). Decree n.º 3.665, of 20 november 2000 (R-105). Interministerial Administrative Act n.º 631 MCT/MD of 13 november 2001.*		*Act 9.112, 10 october 1995, and PLS 310/95.*	*pages 7, 11, 13, 17, 18, 20 and 23 of report*
13	involvement of non-State actors in a.m. activities		*According to the Brazilian legal system, the 1540 UNSC Resolution has the same status as its internal laws.*	X	*1. Heinous Crimes Act - Act no. 8.072 of 25 July 1990: inducement of epidemics by the release of pathogens 2. Penal Code - Decree no. 2.848 of 7 December 1940: see Articles in the footnote of the report with last amendments introduced by Act nº 11.106, of 28 march 2005 3. National Security Act - Act no. 7.170 of 14 December 1983, art. XV.*	*page 4 of the report*
14	Other					

OP 2 - Chemical Weapons (CW)

State: **Brazil**

Date of Report: 22 September 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	*According to the Brazilian legal system, international agreements to which Brazil is Party have the same status as internal laws 1.Act nº 7.802, 11 July 1989 - Provides for researching, experimenting, producing, packaging and labeling, transporting, storaging, saling, advertising, using, importing and exporting, and the final destination of wastes and packaging, registration, classification, control, inspection and supervision of pesticides, their components and related chemicals, and lays down further measures. 2.Act nº 9.974, 6 june 2000, which alters act nº 7.802, of 11 july 1989. 3.Decree nº 97.626, 10 April 1989- Provides for studies on the control, production, sale and use of techniques and methods of chemicals which represent a risk to life.*	X	*Decree nº. 2.074 of 14 November 1996. 1. Act nº 7.347, 24 July 1985 - Disciplines civil public lawsuits for liability for damage caused to the environment, to consumers, to goods and artistical, aesthetical, historical, touristical and landscape rights. 2.Law nº 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment. 3.Decree nº 3.179, 21 September 1999 - Regulates the Act on Environmental Crimes nº 9.605 of 12 February 1998.*	*Page 18 of the report*

S/AC.44/2004/02/17/Add.1

1	manufacture/produce (Cont...)		*4. IBAMA (Brazilian Institute for the Environment and Renewable Natural Resources) Administrative Act nº 113/97-N, 25 September 1997. Obliges individuals and corporations that engage in potential polluting activities and/or the extraction, production, transport and sale of products potentially harmful to the environment to be registered in the*		
2	acquire	X	*According to the Brazilian legal system, international agreements to which Brazil is party have the same status as internal laws. 1.Act nº 7.802, 11 July 1989 - Provides for researching, experimenting, producing, packaging and labeling, transporting, storaging, saling, advertising, using, importing and exporting, and the final destination of wastes and packaging, registration, classification, control, inspection and supervision of pesticides, their components and related chemicals, and lays down further measures. 2.Act nº 9.974, 6 june 2000, which alters act nº 7.802, of 11 july 1989. 3.Decree nº 97.626, 10 April 1989- Provides for studies on the control, production, sale and use of techniques and methods of chemicals which represent a risk to life.*	X	*1. Act nº 7.347, 24 July 1985 - Disciplines civil public lawsuits for liability for damage caused to the environment, to consumers, to goods and artistical, aesthetical, historical, touristical and landscape rights. 2.Act nº 9.605, 12 February 1998 Act- Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment.*

3	possess		According to the Brazilian legal system, international agreements to which Brazil is party have the same status as internal laws 1.Act nº 7.802, 11 July 1989 - Provides for researching, experimenting, producing, packaging and labeling, transporting, storaging, saling, advertising, using, importing and exporting, and the final destination of wastes and packaging, registration, classification, control, inspection and supervision of pesticides, their components and related chemicals, and lays down further measures. 2.Act nº 9.974, 6 june 2000, which alters act nº 7.802, of 11 july 1989. 3.Decree nº 97.626, 10 April 1989- Provides for studies on the control, production, sale and use of techniques and methods of chemicals which represent a risk to		*1. Act nº 7.347, 24 July 1985 - Disciplines civil public lawsuits for liability for damage caused to the environment, to consumers, to goods and artistical, aesthetical, historical, touristical and landscape rights.* *2.Act n ° 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment.* *3.Decree nº 3.179, 21 September 1999 - Regulates the Act on Environmental Crimes nº 9.605 of 12 February 1998.*	
4	stockpile/store	X	*According to the Brazilian legal system, international agreements have the same status as internal laws 1.Act nº 7.802, 11 July 1989 - Provides for research, experimentation, production, packaging and labeling, transport, storage, sale, advertising, use, import and export, and the final destination of wastes and packaging, registration, classification, control, inspection and supervision of pesticides, their components and related chemicals, and lays down further measures.* *2.Act nº 9.974, 6 June 2000, which alters Act nº 7.802 of 11 July 1989.*	X	*1.National Security Act - Act no. 7.170 of 14 December 1983. The Art. 12 defines the criminal sanctions for unauthorized cases.* *2. Act nº 7.347, 24 July 1985 - Disciplines civil public lawsuits for liability for damage caused to the environment, to consumers, to goods and artistical, aesthetical, historical, touristical and landscape rights.* *3.Act n ° 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment.* *4.Decree nº 3.179, 21 September 1999 - Regulates the Act on Environmental Crimes nº 9.605 of 12 February 1998.*	page 4 of the report

SAC.44/2004/102/17/Add.1

5	develop	X	*Provisional Measure nº. 2.186-16 of 23 August 2001, Article 5: forbids access to genetical heritage which aims at developing chemical weapons* *1.Act nº 7.802, 11 July 1989 - Provides for research, experimentation, production, packaging and labeling, transport, storage, sale, advertising, use, import and export, and the final destination of wastes and packaging, registration, classification, control, inspection and supervision of pesticides, their components and related chemicals, and lays down further measures.* *2.Act nº 9.974, 6 June 2000, alters Act nº 7.802 of 11 July 1989*		*1.Act n° 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment*	page 6 of the report
5	develop (Cont...)		*3. Decree nº 97.626, 10 April 1989 - Provides for studies on the control, production, sale and use of techniques and methods of chemicals representing a risk to life* *4.Administrative Act nº 138, 21 November 1996 - Defines accreditation for private educational and research entities which want to undertake research and experimental trials with pesticides.*			

6	transport		*1.Act nº 7.802, 11 July 1989 - Provides for researching, experimenting, producing, packaging and labeling, transporting, storaging, saling, advertising, using, importing and exporting, and the final destination of wastes and packaging, registration, classification, control, inspection and supervision of pesticides, their components and related chemicals, and lays down further measures.* *2.Act nº 9.974, 6 June 2000, which alters Act nº 7.802 of 11 July 1989.*		*1. Act nº 7.347, 24 July 1985 - Disciplines civil public lawsuits for liability for damage caused to the environment, to consumers, to goods and artistic, aesthetic, historic, tourist and landscape rights.* *2.Act nº 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment.* *3.Decree nº 3.179, 21 September 1999 - Regulates the Act on Environmental Crimes nº 9.605 of 12 February 1998.*	
6	transport (Cont...)		*3. IBAMA (Brazilian Institute for the Environment and Renewable Natural Resources) Administrative Act nº 113/97-N, 25 September 1997- Obliges individuals and corporations that engage in potentiall polluting activites and/or the extraction, production, transport and sale of products potentially harmful to the environment to be registered in the Federal Technical Register of Potential Polluting Activities or Activities that Use Environmental Resources* *4.Decree nº 1.797, 25 January 1996 - Provides for the Enforcement of the Partial Scope Treaty to Facilitate the Transportation of Hazardous Materials between Brazil, Argentina,Paraguay and Uruguay, of 30 December 1994.*			

6 transport (Cont...)		5.Decree nº 2.866, 7 December 1998 Provides for the Enforcement of the First Additional Protocol to the Partial Scope Agreement to Facilitate the Transportation of Hazardous Materials signed on 16 July 1998, between the Governments of Brazil, Argentina, Paraguay and Uruguay.			
6 transport (Cont...)		6. Administrative Act nº 22, 19 January 2001. Approves instructions for Inspection of Road Transportation of Dangerous Products within Mercosur. 7.CONAMA (National Environmental Council) Resolution nº 1-A, 23 January 1986 Establishes that State Environmental Bodies must whenever suitable, adopt special measures in cooperation with transport bodies when transporting hazardous materials. 8 .Administrative Act nº 349, 10 June 2002 Approves Inspection Instructions for Road Transportation of Hazardous Materials in Brazil. 9.Instruction nº 1.602, 7/88 DAC – Provides for standards for the aerial transportation of dangerous articles.			

6	transport (Cont...)		*10.Decree No 96044, 18 May 1988 Approves regulations for the Road Transportation of Hazardous materials. 11. Decree No 98973, 21 February 1990 Provides for the regulation of Rail Transportation of Hazardous Materials,defining standards for the classification, identification and labeling for rail transportation of chemicals. 12.Decree Law No 2063, 6 October 1983 Provides for fines to be applied for infringements of regulations, for the conduct of road transportation of hazardous loads or products.*			
6	transport (Cont...)		*13.Administrative Act nº 3, 26 May 1995. Includes, among others,NRP 7, which classifies hazardous materials in nine categories,in compliance with international standards, identification and numbering in compliance with UN Recommendations for the Transport of Dangerous Merchandise, as well as safety measures to be adopted. 14. Administrative Act nº 204, 26 May 1997 Approves Supplementary Instructions to the Regulation of Road and Rail Transport of Hazardous materials.*			

7	transfer	X	##############################	X	*National Security Act - Act nº. 7.170 of 14 December 1983. The Art. 12 defines the criminal sanctions for unauthorized cases.*	*pages 4 and 18 of the report*
8	use	X	*According to the Brazilian legal system, international agreements have the same status as internal laws 1.Act nº 7.802, 11 July 1989 - Provides for research, experimentation, production, packaging and labeling, transport, storage, sale, advertising, use, import and export, and the final destination of wastes and packaging, registration, classification, control, inspection and supervision of pesticides, their components and related chemicals, and lays down further measures.*	X	*1. Heinous Crimes Act - Act nº. 8.072 of 25 July 1990: inducement of epidemics by the release of pathogens.* *2. Penal Code - Decree nº 2.848 of 7 December 1940: see Articles in the footnote of the report* *3. Act nº 7.347, 24 July 1985 - Disciplines civil public lawsuits for liability for damage caused to the environment, to consumers, to goods and artistical, aesthetical, historical, touristical and landscape rights.* *4 Act n° 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment.*	pages 4, 6, 7 and 18 of the report

8	use (Cont...)		*2.Act nº 9.974, 6 June 2000, which alters Act nº 7.802 of 11 July 1989. 3.Decree nº 2.657, 3 July 1998 which ratified Convention nº 170 of the International Labour Organization on Safety in the Handling of Chemicals in the Workplace, signed in Geneva, on 25 June 1990. 4.Administrative Act nº 329, 2 September 1985 which bans the sale, use, and distribution of organic chlorate pesticides intended for agriculture and livestock.*		*5.Decree nº 3.179, 21 September 1999 - Regulates the Act on Environmental Crimes nº 9.605 of 12 February 1998.*	
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities		According to the Brazilian legal system, international agreements have the same status as internal laws.			page 18 of the report
11	finance a.m. activities	X	*Decree no. 4.991 of 18 February 2004: financing BW. The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and assets, which could contribute for building weapons of mass destruction and its means of delivery.*	X	*Act 9.613 of 3 March 1998: applicability to financing CW. 1.Act n ° 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment.The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and assetss, which could contribute for building weapons of mass destruction and its means of delivery.*	*page 8 of the report*

S/AC.44/2004/(07)/ADD.1

12	a.m. activities related to means of delivery		*Decree nº 35, of 26 december 1994 (General Directions for Exporting Goods related to Missiles and Services Directly Related, Instructions to Perform Exporting Operations of Goods Related to Missiles and Services Directly Related to Missiles and Services Directly Related and List of Goods Related to Missiles and Services Directly Related (Act nº 9.112, 10 october 1995).* *Brazil became a member of MTCR in 27 october 1995. It had however already adopted the guidelines for this instrument and its Control List which was updated by Resolution n.º 2, of 19 october 2004 (Interministerial Comission of Control and Sensitive Assets Exportation - CIBES). Decree n.º 3.665, of 20 november 2000 (R-105). Interministerial Administrative Act n.º 631 MCT/MD of 13 november 2001.*		*Act nº 9.112, 10 october 1995 and PLS 310/95*	*pages 7, 11, 13, 17,18, 20 and 23 of report*

13	involvement of non-State actors in a.m. activities		*According to the Brazilian legal system, the 1540 UNSC Resolution has the same status as its internal laws.*	X	*1. Heinous Crimes Act - Act no. 8.072 of 25 July 1990: inducement of epidemics by the release of pathogens* *2. Penal Code - Decree no. 2.848 of o7 December 1940: see Articles in the footnote of the report . Altogether with its last reform introduced by Act nº 11.106, of 28 march 2005* *3. National Security Act - Act no 7.170 of 14 December 1983, art. XV.*	*page 4 of the report*
14	Other					

S/AC.44/2004/(02)/17/Add.1

OP 2 - Nuclear Weapons (NW)

State: **Brazil**

Date of Report: 22 September 2005

Does national legislation exist which prohibits persons or entities to engage in one of the following activities ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties and others		Remarks
		YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1	manufacture/produce	X	Federal Constitution, Article 21, para XXIII, literal "a"	X	Act nº. 6.453 of 17 October 1977: refers to nuclear material	pages 4 and 5 of the report
2	acquire	X		X		
3	possess	X		X		
4	stockpile/store	X		X		
5	develop	X				
6	transport	X		X	Act nº. 6.453 of 17 October 1977: refers to nuclear material	
7	transfer	X		X		
8	use	X		X	1. Heinous Crimes Act - Act nº. 8.072 of 25 July 1990: inducement of epidemics by the release of pathogens 2. Penal Code - Decree nº. 2.848 of o7 December 1940: see Articles in the footnote of the report 3. Act nº. 6.453 of 17 October 1977	page 4 to 7 of the report
9	participate as an accomplice in a.m. activities					
10	assist in a.m. activities					

11	finance a.m. activities	X	*Decree nº. 4.991 of 18 February 2004: financing NW. The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and assets, which could contribute for building weapons of mass destruction and its means of delivery.*	X	*Act nº9.613 of 3 March 1998: applicability to financing NW. The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and assets, which could contribute for building weapons of mass destruction and its means of delivery.*	page 8 of the report

12	a.m. activities related to means of delivery		*Decree nº 35, of 26 december 1994 (General Directions for Exporting Goods related to Missiles and Services Directly Related, Instructions to Perform Exporting Operations of Goods Related to Missiles and Services Directly Related to Missiles and Services Directly Related and List of Goods Related to Missiles and Services Directly Related (Act nº 9.112, 10 october 1995).* *Brazil became a member of MTCR in 27 october 1995. It had however already adopted the guidelines for this instrument and its Control List which was updated by Resolution n.º 2, of 19 october 2004 (Interministerial Comission of Control and Sensitive Assets Exportation - CIBES). Decree n.º 3.665, of 20 november 2000 (R-105). Interministerial Administrative Act n.º 631 MCT/MD of 13 november 2001.*		*Act nº 9.112, de 10 october 1995 and PLS 310/95*	*pages 7, 11, 13, 17,18, 20 and 23 of report*

13	involvement of non-State actors in a.m. activities		*According to Brazilian legal system, the 1540 UNSC Resolution has the same status as its internal laws.*	X	*1. Heinous Crimes Act - Act no. 8.072 of 25 July 1990: inducement of epidemics by the release of pathogens* *2. Penal Code - Decree no. 2.848 of o7 December 1940: see Articles in the footnote of the report with its last reform introduced by Act nº 11.106, of 28 march 2005* *3. National Security Act - Act no. 7.170 of 14 December 1983, art. XV.*	*page 4 of the report*
14	Other					

S/AC.44/2004/(02)/17/Add.1

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

State: **Brazil**

Date of Report: 22 September 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Measures to account for production		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
2 Measures to account for use		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
3 Measures to account for storage		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
4 Measures to account for transport		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
5 Other measures for accounting		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
6 Measures to secure production		*Resolution RDC nº 210/2003: the Anex I of RDC establishes the good practices for production of medicines, including injectable medicines (vaccines).*			
7 Measures to secure use		*Brazil is in the final phase of elaboration of the list of sensitive goods*			

8	Measures to secure storage		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
9	Measures to secure transport.	X	*Regulation nº. 204 of 20 May 1997, updated by Regulation 420/2004 of 12 February 2004 Complementary Instructions to Regulations for Road and Railway Transportation of Dangerous Products. The chapter 2.6 establishes rules for transporting infeccious substances.*			page 12 of the report
10	Other measures for securing		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
11	Regulations for physical protection of facilities/materials/ transports		*Brazil is in the final phase of elaboration of the list of sensitive goods*			
12	Licensing/registration of facilities/persons handling biological materials	X	*Resolution RDC nº. 210/2003: norms for licensing and production - Responsible Agency: National Sanitary Surveillance Agency (ANVISA). Resolution RDC nº 210/2003: the Anex I of RDC establishes the good practices for production of medicines, including injectable medicines (vaccines). The inclusion of RDC aims at demonstrating that the handling of biological agents for production of vaccines take place in controled facilities, according to security directions contained in letter a, item 3 of resolution.*			page 13 of the report

SAC.44/2004/WP/7/Add.1

13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	Decree nº. 3.665 of 20 November 2000 (R-105): control of means of delivery, parts and propellants. The Brazilian Army Command is responsible for controlling products with destructive power or any other property that could lead to the production of means of delivery - also Navy and Air Force are involved.			pages 7, 11 and 13 of the report
15	Regulations for genetic engineering work	X	1. Federal Constitution of 1988, Article 225, para I, II and V 2. Act nº. 8.974 of 05 January 1995 3. Provisional measure nº. 2.191-9 of 23 August 2001 4. Decree nº. 3.665 of 20 November 2000 (R-105)			pages 6, 10 and 13 of the report
16	Other legislation/ regulations related to safety and security of biological materials					
17	Other	X	Provisional measure nº. 2.186-16 of 23 August 2001: protection and restricted access to genetical heritage			page 7 of the report

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **Brazil**

Date of Report: 22 September 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Measures to account for production	X	1. Legislative Decree nº. 9 of 06 March 1996: strict control over transfer, production, storage 2. Decree nº. 3.665 of 20 November 2000 (R-105): responsibilities of the Army in controlling any kind of activities related to CWC listed chemical agents			pages 5, 6 and 10 of the report
2	Measures to account for use	X				
3	Measures to account for storage	X				
4	Measures to account for transport		*1.Decree nº 875, 19 July 1993 - Ratifies the text of the Convention on the control of cross-border movements of dangerous wastes and their disposal.* *2.Decree nº 1797, 25 January 1996 - Provides for the Enforcement of the Partial Scope Treaty to Facilitate the Transportation of Hazardous Materials between Brazil, Argentina,Paraguay and Uruguay, of 30 December 1994.*		*1.Decree-Law nº 2063, 6 October 1983 provides for fines to be applied for infringements of regulations, for the conduct of road transportation of hazardous bulks or products.*	

4 Measures to account for transport (Cont...)		5.Decree nº 2866, 7 December 1998 - Provides for the Enforcement of the First Additional Protocol to the Partial Scope Agreement to Facilitate the Transportation of Hazardous Materials signed on 16 July 1998, between the Governments of Brazil, Argentina, Paraguay and Uruguay. 6. Administrative Act nº 22, 19 January 2001 which approves instructions for Inspection of Road Transportion of Dangerous Products within Mercosur			
5 Other measures for accounting		1.Decree nº 875, 19 July 1993 - Ratifies the text of the Convention on the Control of Cross-border Movements of Dangerous Wastes and their Disposal. 2.Decree nº 1.797, 25 January 1996 - Provides for the Enforcement of the Partial Scope Treaty to Facilitate the Transportation of Hazardous Materials between Brazil, Argentina,Paraguay and Uruguay, of 30 December 1994.			

5	Other measures for accounting (Cont...)		*3.Decree nº 2.866, 7 December 1998 -Provides for the Enforcement of the First Additional Protocol to the Partial Scope Agreement to Facilitatethe Transportation of Hazardous Materials signed on 16 July 1998, between the Governments of Brazil, Argentina, Paraguay and Uruguay.*			
6	Measures to secure production		*1. Decree nº 97.626, 10 April 1989 - Provides for studying, controling, producing, selling and using of techniques and methods of chemicals representing a risk to life*			
7	Measures to secure use		*1. Decree nº 97.626, 10 April 1989 - Provides for the study, control, production, sale and use of techniques and methods of chemicals which may represent a risk to life.* *2.Decree nº 2.657, 3 July 1998. Ratifies the Convention nº 170 of the International Labour Organization (ILO) on Safety in the Handling of Chemicals in the Workplace, signed in Geneva, on 25 June 1990.*			
8	Measures to secure storage					

9 Measures to secure transport		X	*Regulation nº 204 of 20 May 1997, updated by Regulation 420/2004 of 12 February 2004 Complementary Instructions to Regulations for Road and Railway Transportation of Dangerous Products* 1. *Administrative Act nº 22, 19 January 2001 which approves instructions for Inspection of Road Transportion of Dangerous Products within Mercosur* 2 *CONAMA (National Council for the Environment) Resolution nº 1-A, 23 January 1986, establishes that State Environmental Bodies must whenever suitable adopt special measures in cooperation with transportation authorities when transporting hazardous materials.*		*1 Decree-Law nº 2 063, 6 October 1983 provides for fines to be applied for infringements of regulations, for the conduct of road transportation of hazardous bulks or products.*	page 12 of the report

g	Measures to secure transport (Cont...)		*3.Administrative Act nº 349, 10 June 2002 which approves Inspection Instructions for Road Transportion of Hazardous Materials in Brazil* *4.Instruction nº 1.602, 7/88 DAC – Provides for standards for the aerial transport of dangerous articles.* *5.Decree nº 96.044, 18 May 1988 which approves regulations for the Road Transportation of Hazardous materials.* *6. Decree nº 98.973, 21 February 1990 provides for the regulation of Rail Transportation of Hazardous Materials, defining standards for the classification, identification and labeling for rail transportation of chemicals.*			

S/AC.44/2004/(02)/17/Add.1

9	Measures to secure transport (Cont...)		*7 Administrative Act nº 3, 26 May 1995 which includes, among others, NRP 7, which classifies hazardous materials in nine categories, in compliance with international standards, identification and numbering in compliance with UN Recommendations for theTransport of Dangerous Merchandise, as well as safety measures to be adopted. 8. Administrative Act nº 204, 26 May 1997 which approves Supplementary Instructions to the Regulation of Road and Rail Transport of Hazardous materials.*			
10	Other measures for securing		*Act nº 8.078, 11 September 1990 - Provides for consumer protection and lays down further measures.*		*Act n ° 9.605, 12 February 1998 - Provides for penal and administrative sanctions resulting from conduct and activities harmful to the environment.*	
11	Regulations for physical protection of facilities/materials/ transports					
12	Licensing of chemical installations/entities/use of materials	X	Decree nº. 3.665 of 20 November 2000 (R-105)			page 6 of the report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	Decree nº. 3.665 of 20 November 2000 (R-105): control of means of delivery, parts and propellants: Army Command is controlling products with destructive power or any other property that coult take to the production of the means of delivery - also Navy and Air Force are involved			pages 7, 11 and 13 of the report

15	National CWC authority	X	General Coordination Office for Sensitive Goods (Decree no. 2.074 of 14 November 1996)			page 20 of the report
16	Reporting Schedule I, II and III chemicals to OPCW					
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials	X	1. Legislative Decree nº. 9 of 06 March 1996: strict control over transfer, production, storage 2. Decree nº. 2.074 of 14 November 1996: establishment of the Inter-ministerial Commission for the application of the provisions of the CWC 3. Decree nº. 3.665 of 20 November 2000 (R-105): responsibilities of the Army in controlling any kind of activities related to CWC listed chemical agents			pages 5, 6 and 10 of the report
19	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

State: **Brazil**

Date of Report: 22 September 2005

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	ABACC is responsible for the administration and application of the Common System for Accounting and Control (SCCC)		*The Quadripartite Agreement for safeguards application has the status of an internal law and it is used as an enforcement measure for nuclear material safeguarded in Brazil.*	*pages 9, 10 and 18 to 21 of the report*
2 Measures to account for use	X				
3 Measures to account for storage	X				
4 Measures to account for transport	X				
5 Other measures for accounting					
6 Measures to secure production	X	*Decree-Law nº 1.809 of 07 October 1980, later regulated by Decree nº. 2.210 of 22 April 1997. The National Comission for Nuclear Energy (CNEN), which acts based on AIEA, INFCIRC 225, and SIPRON, created by Decree-Law 1.809, establishes measures aiming at safety use, processing, reprocessing, manipulation, transport or storage of relevant assets for the Brazilian nuclear program.*	X	*Act noº 6.453 of 17 October 1977. The present Act establishes civil responsibilities and define sanctions for using, processing, reprocessing, manipulation or stockpiling of nuclear material without the necessay authorization.*	pages 5 and 12 of the report
7 Measures to secure use	X		X		
8 Measures to secure storage	X		X		
9 Measures to secure transport					
10 Other measures for securing					

11	Regulations for physical protection of facilities/materials/ transports	X	1. Act nº. 4.118 of 27 August 1962: creation of the National Commission for Nuclear Energy (CNEN), possession/ transfer/ development/ production are a State monopoly 2. Regulation nº. 204 of 20 May 1997, updated by Regulation 420/2004 of 12 February 2004 "Complementary Instructions to Regulations for Road and Railway Transportation of Dangerous Products"			pages 5 and 12 of the report
12	Licensing of nuclear installations/entities/use of materials	X	National Commission for Nuclear Energy (CNEN)			page 10 of the report
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	*Decree nº. 3.665 of 20 November 2000 (R-105): control of means of delivery, parts and propellants: Army Command controls the products with destructive power or any other property that could be used in production, development and commercialization of materials and equipment that may be used in the production of missiles - also Navy and Air Force are involved, mainly with regard to the transportation of these products.*			pages 7, 11 and 13 of the report
15	National regulatory authority	X	National Commission for Nuclear Energy (CNEN) (Act no. 4.118 of 27 August 1962)			page 5 of the report
16	IAEA Safeguards Agreements	X	Quadripartite Agreement between Argentina, Brazil, ABACC and IAEA			page 19 of the report

17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	*Expressed support to IAEA DG*			*http://www-ns.iaea.org/downloads/rw/meetings/code-conduct-signatories.pdf*
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes			*page 25 of the report*
19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM					
21	Other	X	Decree-Law nº. 1.809 of 07 October 1980, later regulated by Decree nº. 2.210 of 22 April 1997: created a Protection System for the Brazilian Nuclear Program - SIPRON implementing and responding to safety necessities related to activities/facilities/projects /personnel involved/civil population and environment			page 12 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of BW including Related Materials

State: **Brazil**

Date of Report: 22 September 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	Act nº. 9.649 of 27 May 2004 with Decree-Law nº. 37 of 18 November 1966	X	Penal Code (Decree-Law nº. 2.848 of 1940)and Act nº. 9.112 of 10 October 1995	page 14 of the report
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities			X	Federal Revenue and Customs Secretariat (SRF) as well as Police and Armed Forces as subsidiaries	page 14 of the report
5	Export control legislation in place	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army 4. Act nº. 9.649 of 27 May 2004 with Decree-Law no. 37 of 18 November 1966	X	1. Penal Code (Decree-Law nº. 2.848 of 1940) and Act nº. 9.112 of 10 October 1995 2. Inter-ministerial Commission for Export Control of Sensitive Goods responsible for establishing procedures	pages 5, 9, 14 and 15 of the report

6	Licensing provisions	X	1. Act nº. 9.112 of 10 October 1995 2. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army 3. General Coordination Office for Sensitive Materials (within the Ministry of Science and Technology) - CGBE/MCT : SISCOMEX procedure used (Regulation 49 of 16 February 2004)	X	Penal Code (Decree-Law nº. 2.848 of 1940) and Act nº. 9.112 of 10 October 1996	pages 5, 14 and 15 of the report
7	Individual licensing	X	Case-by-case analysis			page 15 of the report
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	General Coordination Office for Sensitive Materials (within the Ministry of Science and Technology) - CGBE/MCT (Regulation 49 of 16 February 2004)			page 15 of the report
12	Interagency review for licenses	X	*Consultations.* *The Control List of Biological Area is in final phase of elaboration.*			page 15 of the report
13	Control lists	X	*1. Interministerial Regulation nº. 631 MCT/MD - List of Sensitive Goods* *2. Decree nº. 35 of 03 December 1994 (EM 35/94 - SAE/PR): missile related goods. The Control List for biological substances is in the final phase of elaboration.*			pages 15 and 16 of the report
14	Updating of lists	X	Act nº 9.112 of 10 October 1995, Article 5: updatings are done by Inter-ministerial Commission for Export Controls of Sensitive Goods			page 16 of the report

15	Inclusion of technologies	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report
16	Inclusion of means of delivery	X	Act nº. 9.112 of 10 October 1995			page 5 of the report
17	End-user controls	X	CGBE may request a statement			page 15 of the report
18	Catch all clause					
19	Intangible transfers		*Provisional Measure nº 2.186-16 de 23 august 2001, Chapter VI, art. 22 which establishes rules for access to technology and transfers.*		*Decree nº 5.459, 7 june 2005, disciplines Art. 30 of PM 2.186-16. In chapter III, art. 22, it establishes sanctions on non-authorized transfers of traditional knowledge associated to the genetical patrimony.*	
20	Transit control	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report
21	Trans-shipment control					
22	Re-export control	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report
23	Control of providing funds					
24	Control of providing transport services					

S/AC.44/2004/(03)/17/Add.1

25	Control of importation	X	1. Federal Constitution of 1988 2. Decree nº. 3.665 of 20 November 2000: formal authorization of import by the Army 3. Normative Instruction nº. 1 of 08 July 2002 by the Ministry of Agriculture, Livestock and Food Supply: list of organisms for biological control			pages 5, 15 and 16 of the report
26	Extraterritorial applicability					
27	Other					

OP 3 (c) and (d) and related matters from OP 6 and OP 10 - Controls of CW including Related Materials

State: **Brazil**

Date of Report: 22 September 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	If YES, indicate source document	YES	If YES, indicate source document	
1 Border control	X	Act nº. 9.649 of 27 May 2004 with Decree-Law nº. 37 of 18 November 1966	X	Penal Code (Decree-Law nº. 2.848 of 1940)and Act nº. 9.112 of 10 October 1995	page 14 of the report
2 Technical support of border control measures					
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4 Enforcement agencies/authorities			X	Federal Revenue and Customs Secretariat (SFR) as well as Police and Armed Forces as subsidiaries	page 14 of the report
5 Export control legislation in place	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000 updates Decree nº. 24.602 of 6 July 1934: formal authorization of export by the Army 4. Act nº. 9.649 of 27 May 2004 with Decree-Law nº. 37 of 18 November 1966 5. Decree nº. 1.861 of 12 April 1996	X	1. Penal Code (Decree-Law nº. 2.848 of 1940) and Act nº. 9.112 of 10 October 1995 2. Inter-ministerial Commission for Export Control of Sensitive Goods responsible for establishing procedures	pages 5, 9, 14 and 15 of the report

SAC.44/2005/WP.17/Add.1

6	Licensing provisions	X	1. Act nº. 9.112 of 10 October 1995 2. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army 3. General Coordination Office for Sensitive Materials (within the Ministry of Science and Technology) - CGBE/MCT : SISCOMEX procedure used (Regulation 49 of 16 February 2004)	X	Penal Code (Decree-Law nº. 2.848 of 1940) and Act nº. 9.112 of 10 October 1996	pages 5, 14 and 15 of the report
7	Individual licensing	X	case-by-case analysis			page 15 of the report
8	General licensing					
9	Exceptions from licensing					
10	Licensing of deemed export/visa					
11	National licensing authority	X	General Coordination Office for Sensitive Materials (within the Ministry of Science and Technology) - CGBE/MCT (Regulation 49 of 16 February 2004)			page 15 of the report
12	Interagency review for licenses	X	Consultations			page 15 of the report
13	Control lists	X	1. Inter-ministerial Regulation nº. 631 MCT/MD - List of Sensitive Goods 2. Exposition of Reasons nº. 35 of 03 December 1994 (EM 35/94 - SAE/PR): missile related goods 3. Ministerial Regulation nº. 804 of 13 December 2001			pages 15 and 16 of the report
14	Updating of lists	X	Act nº.9.112 of 10 October 1995, Article 5: updating is done by Inter-ministerial Commission for Export Controls of Sensitive Goods			page 16 of the report

15	Inclusion of technologies	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report
16	Inclusion of means of delivery	X	Act nº. 9.112 of 10 October 1995			page 5 of the report
17	End-user controls	X	CGEB may request a statement			page 15 of the report
18	Catch all clause					
19	Intangible transfers					
20	Transit control	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report
21	Trans-shipment control					
22	Re-export control	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of exporting by the Army			pages 5 and 15 of the report
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	1. Federal Constitution of 1988 2. Regulation nº. 275 of 23 April 2002 3. Decree nº. 3.665 of 20 November 2000: formal authorization of importing by the Army			pages 5, 15 and 16 of the report
26	Extraterritorial applicability					
27	Other					

S/AC.44/2004/(02)/17/Add.1

OP 3 (c) and (d) and related matters from OP 6, and OP 10 - Controls of NW including Related Materials

State: **Brazil**

Date of Report: 22 September 2005

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?		National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
		YES	if YES, indicate source document	YES	if YES, indicate source document	
1	Border control	X	Act nº. 9.649 of 27 May 2004 with Decree-Law nº. 37 of 18 November 1966	X	Penal Code (Decree-Law nº. 2.848 of 1940)and Act nº. 9.112 of 10 October 1995	page 14 of the report
2	Technical support of border control measures			X		
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology		*1. General Coordination Office for Sensitive Items subordinated to the Ministry of Science and Technology) - CGBE/MCT* *2. National Commission for Nuclear Energy (CNEN) (Regulation 49 of 16 February 2004) .* *The CGBE and CNEN have scheduled the realization of courses to prepair Federal Revenue and Customs Secretariat and Federal Police personel to identify sensitive goods in custom facilities.*	X	*General Plan for the Reciprocal Cooperation and Coordination for Regional Security, adopted through Decision CMC nº. 22/99* *The CGBE and CNEN have scheduled the realization of courses to prepair Federal Revenue and Customs Secretariat and Federal Police personel to identify sensitive goods in custom facilities.*	*page 9, 10, 14, 15 and 25 of the report*
4	Enforcement agencies/authorities			X	Federal Revenue and Customs Secretariat (SFR) as well as Police and Armed Forces as subsidiaries	page 14 of the report

5	Export control legislation in place	X	*1. Federal Constitution of 1988* *2. Act nº. 9.112 of 10 October 1995* *3. Decree nº. 3.665 of 20 November 2000: formal authorization of exporting by the Army* *4. Act nº. 9.649 of 27 May 2004 with Decree-Law nº. 37 of 18 November 1966* *5. Decree nº. 1.861 of 12 April 1996* *6. Administrative Act SAE/PR nº 61, 12 april 1996*	X	1. Penal Code (Decree-Law no. 2.848 of 1940) and Act nº. 9.112 of 10 October 1995 2. Act nº. 6.453 of 17 October 1977: penalizes unauthorized export and import 3. Inter-ministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures	pages 5, 6, 9, 15 and 16 of the report
6	Licensing provisions	X	*1. Act nº. 9.112 of 10 October 1995* *2. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army* *3. General Coordination Office for Sensitive Materials subordinated to the Ministry of Science and Technology) - CGBE/MCT: SISCOMEX procedure used (Regulation 49 of 16 February 2004)* *4. Administrative Act SAE/PR nº 61, 12 april 1996*	X	Penal Code (Decree-Law nº. 2.848 of 1940)and Act nº. 9.112 of 10 October 1995	*pages 5, 14, 15 and 16 of the report*
7	Individual licensing	X	case-by-case analysis		*1. Penal Code (Decree-Law nº. 2.848 of 1940) and Act nº. 9.112 of 10 October 1995* *2. Act nº. 6.453 of 17 October 1977: penalizes unauthorized export and import* *3. Interministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures*	*pages 5, 6, 9, 14, 15 and 16 of the report*
8	General licensing					
9	Exceptions from licensing					

10	Licensing of deemed export/visa		*1. General Coordination Office for Sensitive Materials (subordinated to the Ministry of Science and Technology) - CGBE/MCT*		*1. Penal Code (Decree-Law nº. 2.848 of 1940) and Act nº. 9.112 of 10 October 1995* *2. Act nº. 6.453 of 17 October 1977 penalizes unauthorized export and import* *3. Interministerial Commission for Export Control of Sensitive Goods responsible for establishing procedures*	*pages 5, 6, 9, 14, 15 and 16 of the report*
11	National licensing authority	X	1. General Coordination Office for Sensitive Materials (within the Ministry of Science and Technology) - CGBE/MCT 2. National Commission for Nuclear Energy (CNEN) (Regulation 49 of 16 February 2004)		*1. Penal Code (Decree-Law nº. 2.848 of 1940) and Act nº. 9.112 of 10 October 1995* *2. Act nº. 6.453 of 17 October 1977 penalizes unauthorized export and import* *3. Interministerial Commission for Export Control of Sensitive Goods responsible for establishing procedures*	*pages 5, 6, 9, 14, 15 and 16 of the report*
12	Interagency review for licenses					

13	Control lists	X	1. Inter-ministerial Regulation nº. 631 MCT/MD - List of Sensitive Goods 2. Decree nº. 1.861 of 12 April 1996 based on Act nº. 9.112 of 10 October 1995: List of Nuclear Equipment, Material or Technology 3. Regulation nº. 61 of 12 April 1996: List of Dual-use Equipment and Material and Related Technology *4. Decree nº. 35 of 03 December 1994 (EM 35/94 - SAE/PR): missile related goods 5.Interministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures.*		*1. Penal Code (Decree-Law nº. 2.848 of 1940)* *2.Act nº. 9.112 of 10 October 1995* *3. Act nº. 6.453 of 17 October 1977: penalizes unauthorized export and import* *4. Interministerial Commission for Export Control of Sensitive Goods: responsible for establishing procedures*	pages 15 and 16 of the report
14	Updating of lists	X	Act nº.9.112 of 10 October 1995, Article 5: update is done by Inter-ministerial Commission for Export Controls of Sensitive Goods			page 16 of the report
15	Inclusion of technologies	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report
16	Inclusion of means of delivery	X	Act nº. 9.112 of 10 October 1995			page 5 of the report
17	End-user controls	X	CGEB may request a statement			page 15 of the report
18	Catch all clause		*Act nº. 9.112 of 10 October 1995*			*page 5 of the report*
19	Intangible transfers					
20	Transit control	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report

S/AC.44/2004/(02)/17/Add.1

21	Trans-shipment control					
22	Re-export control	X	1. Federal Constitution of 1988 2. Act nº. 9.112 of 10 October 1995 3. Decree nº. 3.665 of 20 November 2000: formal authorization of export by the Army			pages 5 and 15 of the report
23	Control of providing funds		*Decree nº. 4.991 of 18 February 2004: financing NW . The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and goods, which could contribute for building weapons of mass destruction and its means of delivery. For instance, it works actively with CGBE in the control of nuclear material transfers.*		*Act nº 9.613 of 3 March 1998: applicability to financing NW. The COAF (Council for Financial Activities Control) aims at detecting and hindering illicit activities as corruption, drug trafficking, traffic of human beings and goods, which could contribute for building weapons of mass destruction and its means of delivery.*	*page 8 of the report*
24	Control of providing transport services					
25	Control of importation	X	1. Federal Constitution of 1988 2. Decree nº. 3.665 of 20 November 2000: formal authorization of importing by the Army	X	Act nº. 6.453 of 17 October 1977: penalizes unauthorized exporting and importing	pages 5 and 15 of the report
26	Extraterritorial applicability					
27	Other					

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **Brazil**

Date of Report: 22 September 2005

	Can information be provided on the following issues ?	YES		Remarks
1	Control lists - items (goods/ equipment/materials/technologies)	X	1. Lists of Sensitive Goods/List of Conventional Materials for Military Use (Interministerial Regulation nº. 631 of 13 November 2001) 2. List of Nuclear Equipment, Material and Technology/List of Dual-use Equipment, Material and Related Technology (Regulation nº. 61 of 12 April 1996) 3. Lists of substances identified by the CWC (Ministerial Regulation No. 804 of 13 December 2001) 4. Normative Instruction nº. 1 of 08 July 2002 by the Ministry of Agriculture, Livestock and Food Supply: norms for the importing of materials designed for research, including organisms for biological control and other specific purposes 5. List of Goods Related to Missiles and Directly Related Services (Exposition of Rea	pages 9, 16 and 17 of the report
2	Control lists - other			
3	Assistance offered			
4	Assistance requested			
5	Assistance in place (bilateral/plurilateral/multilateral)			
6	Information for industry	X	*1. General Coordination Office for Sensitive Goods, within the Ministry of Science and Technology (CGBE/MCT) and the National Commission of Nuclear Energy (CNEN) are in constant interaction with industries involved in activities related to sensitive goods and technologies as well as with their representative associations* *2. "Project Sciences", further nominated "National Program for Integration State-Enterprise in the Sensitive Area (Pronabens)", carried out by CGBE/MCT and by the Brazilian Intelligence Agency (ABIN) intends to inform private and governmental sectors and to perform outreach-activities to the chemical industry, nuclear-related industry and governmental nuclear sites. It aims at expanding its activities to all industries and governmental institutions that work with sensitive related technologies.*	page 24 of the report
7	Information for the public	X	Web sites mentioned in the footnotes in the report are open to public domain	pages 4 to 9, 12 to 14 and 21 of the report

United Nations S/AC.44/2004/(02)/17/Add.1/Corr.1

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 22 September 2005 from the Permanent Representative of Brazil to the United Nations addressed to the Chairman of the Committee

Corrigendum

1. Under **OP 2 (CW)**, in the column **National legal framework**:

Item 1.4. The final phrase *should read* environment to be registered in the Federal Technical Register of Potential Polluting.

Item 3.3. The final phrase *should read* chemicals which represent a risk to life.

Item 7. *Insert* According to the Brazilian legal system, international agreements to which Brazil is a party have the same status as internal laws.

1. Decree No. 875, 19 July 1993, ratifies the text of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

2. Under **OP 6, 7 and 8 (d)**:

Item 1.5. For the existing text *substitute* List of Goods Related to Missiles and Directly Related Services (Exposition of Reasons No. 35 of 12 December 1994).

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